

# Source Reduction Advisory Committee

Maureen Gorsen  
Director  
Department of Toxic Substances Control  
1001 I Street  
Sacramento, California 95814

October 17, 2008

Dear Ms. Gorsen:

The Source Reduction Advisory Committee was established under SB 1916 of 1998 and has been working with the Department of Toxic Substances Control (DTSC) since then to provide advice on its pollution prevention program. DTSC's Source Reduction Advisory Committee consists of ten public members and seven *ex officio* members. The public members represent large and small business, local government, environmental and public health advocacy organizations, organized labor, and a publicly owned treatment works. The *ex officio* members represent the boards, departments and office (BDO) within the California Environmental Protection Agency (Cal/EPA).

One of the committee's charges, specified in the SB 1916 statute, is to provide advice on legislative improvements to advance pollution prevention. Please consider the following advice for such improvements from the public members of your Source Reduction Advisory Committee. We hope this is useful as you move forward with strengthening your P2 program, as well as incorporating new green chemistry policy elements.

In general, this list of suggestions endeavors to streamline the program and allow for increased flexibility in applying pollution prevention solutions to solve problems. Perhaps most importantly, we wish to support your efforts to align your P2 program with the outcomes of the Green Chemistry Initiative. To that end, some of these suggestions are intended to promote a wider variety of efforts related to green chemistry, including moving from hazardous waste source reduction to multi-media pollution prevention.

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Our proposal is:

1. With respect to the Department's voluntary sector-based P2 program (specifically, section 25244.17.1 of the Health and Safety Code), expand the focus from "hazardous waste source reduction" to multi-media (e.g., air and water pollution prevention, and other environmental or public health aspects such as water or energy use) pollution prevention, by:

- where appropriate, replacing "source reduction" and "hazardous waste source reduction" with "pollution prevention,"
- replacing references to hazardous waste source reduction, or reducing generated quantities of hazardous waste, with references to reducing the generation of pollution, pollutants, and so forth,
- replacing references to hazardous waste "generators" with a broader, more appropriate term, and
- in the two-year pollution prevention work plan, focusing more on materials and use of chemicals, as well as reducing multimedia impacts, as per other revisions suggested herein..

These changes will enhance DTSC's implementation of its sector-based voluntary programs.

2. Eliminate the presumption in the statute that P2 projects are 2-year projects, to allow sufficient time to fully complete projects. It is important to ensure that DTSC's P2 project design includes the development and establishment of mechanisms to evaluate progress toward meaningful goals, including specific timelines and performance measures.

3. Currently, the P2 work plan must include an evaluation of available data. In order to more effectively support DTSC's P2 targeting of sectors for future P2 projects, this data analysis should be conducted in the "off year" between work plans. Therefore, we recommend that the "work plan" and "data analysis and evaluation" requirements be performed in alternate years. The work plan schedule should be maintained as established, and the data analysis schedule moved to the alternate year. It is important that the data presentation continue to include an *analysis* of the data (as required by statute), and not just consist of a *presentation* of the data.

4. Our experience has shown that it is very difficult, if not impossible, to draw conclusions about the success of DTSC's P2 program from statewide hazardous waste data. Many factors confound the larger picture with respect to P2 program success. The available data in general do not support accounting for such factors as industry moving offshore. Accounting for variation in production is difficult. And perhaps most importantly, establishing a cause-and-effect relationship between the P2 program and

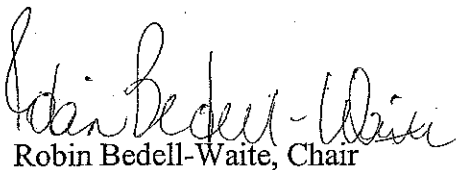
statewide trends is extremely difficult, particularly considering the size of California related to the size of its state-level P2 program.

Because program evaluation is important, we suggest that the statutory revision ensures that the design of P2 projects include an evaluation strategy, developed during project design. This should include quantitative information when feasible, and include discussion on lessons learned. For the reasons described above, we recommend eliminating the requirement that DTSC assess hazardous waste source reduction progress in California.

5. Revise the statute to ensure that selection and design of P2 projects include consideration of the economic aspects of the project. Eliminate the requirement to include, in the two-year work plan, an analysis of economic incentives.
6. Eliminate the requirement to include, in the two-year work plan, a report on the status, funding and results of all research projects. DTSC should consider other ways to inform the public about the results of the projects, including a page on DTSC's website.
7. Eliminate the requirement that sector-based projects chosen under the SB 1916 requirements include one that has had been previously been studied by DTSC under the Hazardous Waste Source Reduction and Management Review Act. This would be done to expand the pool of possible business sectors in which to do a project.
8. Revise the statute to include a consideration of "environmental justice" when selecting P2 project targets.
9. With respect to the operation of the Advisory Committee:
  - a. Retitle the committee as the "California Pollution Prevention Advisory Committee"
  - b. Add a provision to allow for the public to nominate Committee members. (DTSC would still make the appointments.)
  - c. Add an air district representative to the Committee.
  - d. Consider adding a representative from the U.S. EPA's Region IX office (as an *ex officio* member). This may be beneficial as there may be opportunities to identify funding opportunities, align priorities, benefit from U.S. EPA program expertise, and ensure consistency with federal efforts.

- e. Consider adding the director of the California Department of Pesticide Regulation to the Advisory Committee (as an *ex officio* member).
  - f. Add the establishment of a vice chair to the Committee.
  - g. Specify at least annual, rather than semiannual, Committee meetings.
10. Be more specific with respect to the scope of the Advisory Committee's role (i.e., clarify that the Committee's primary purpose is to advise DTSC on activities related to voluntary, sector-based P2 projects, as required in the two-year work plan, rather than to advise DTSC as to the totality of projects conducted by the P2 Office).
11. Delete several sections that are obsolete:
- a. The requirement that DTSC "coordinate activities under this section with grants made under Health & Safety Code section 25244.11.5." The referenced section is no longer in the statute.
  - b. The now-moot section of law requiring that in 2002 a determination be made regarding the value of the Advisory Committee, and whether to continue its operation.
  - c. The requirement to evaluate progress against a statewide goal established in statute, as the statutory goal has expired.
  - d. The requirement to implement a "low-cost voluntary program," as this requirement has been fulfilled and is thus obsolete.

The Source Reduction Advisory Committee appreciates this opportunity to provide advice on possible legislative changes to the source reduction statute. We believe these recommendations will enhance DTSC's P2 program and better align it with California's green chemistry future. If you have any questions, please feel free to contact us.



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